

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE TRICOR DIRECT PURCHASER
ANTITRUST LITIGATION

CASE NO. 05-340 (KAJ)
(consolidated)

THIS DOCUMENT RELATES TO:
Louisiana Wholesale Drug. Co., Inc. (05-340)
Rochester Drug Co-Operative, Inc. (05-351)
Meijer, Inc., et al. (05-358)

IN RE INDIRECT PURCHASER
ANTITRUST LITIGATION

CASE NO. 05-360 (KAJ)
(consolidated)

THIS DOCUMENT RELATES TO:
Painters District Council No.30 Health
and Welfare Fund and Richard D. Wilde (05-360)
Vista Health Plan and Ross Love (05-365)
Allied Services Division Welfare Fund
and Hector Valdes (05-394)
Pennsylvania Employees Benefit
Trust Fund (05-390)
Diana Kim (05-426)
Philadelphia Federation of Teachers
Health and Welfare Fund (05-467)
Cindy Cronin (05-482)
Charles M. Shain and Sandra Krone (05-475)
Elaine M. Pullman, Neil Perlmutter
Helena Perlmutter and Lula Ramsey (05-450)
Local 28 Sheet Metal Workers (05-516)

**NOTICE OF DEPOSITION UNDER FED. R. CIV. P. 30(b)(6) OF, AND REQUEST FOR
THE PRODUCTION OF DOCUMENTS TO DEFENDANT ABBOTT LABORATORIES**

TO ALL COUNSEL ON ATTACHED SERVICE LIST:

PLEASE TAKE NOTICE that, pursuant to the provisions of Rule 30(b)(6) of the Federal Rules of Civil Procedure, Direct Purchaser Class Plaintiffs, Louisiana Wholesale Drug Company, Inc., Rochester Drug Co-Operative, Inc., Meijer, Inc. and Meijer Distribution, Inc., and the Indirect Purchaser Plaintiffs (collectively "Plaintiffs") will take the deposition upon oral examination of Defendant Abbott Laboratories ("Abbott"), commencing on February 21, 2006, beginning at 10:00 a.m., and continuing from day to day thereafter until completed, at the offices of Berger & Montague, P.C., 1622 Locust St., Philadelphia, PA 19103. The deposition will be taken before a notary public or other officer duly authorized to administer oaths and take testimony, and will be recorded by stenographic means and may be audiotaped and/or videotaped.

In accordance with Rule 30(b)(6) of the Federal Rules of Civil Procedure, Abbott is hereby notified of its obligation to designate one or more officer, director, or managing agent, or other person who consents to testify on behalf of Abbott with respect to the matters set forth on the attached Schedule "A", and to produce documents in response to the matters set forth on the attached Schedule "B" by February 16, 2006. The person(s) so designated shall be required to testify as to each of those matters known or reasonably available to Abbott.

Plaintiffs hereby incorporate by reference the Definitions, Instructions, and Relevant Time Period set forth in Coordinated Direct Purchaser Plaintiffs' First Set of Document Requests to Defendants Abbott Laboratories, Fournier Industrie et Sante and Laboratories Fournier S.A.

Dated: February , 2006

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SCHEDULE A

MATTERS ON WHICH EXAMINATION IS REQUESTED:

1. The pricing of Tricor including, without limitation, any actual, published, potential, or expected prices or other terms for the sale of Tricor to any customer, category of customer, or class of trade, including discounts, rebates, chargebacks, and/or other adjustments to price or quantity and the basis on which same are calculated or determined.
2. Projected or actual effects and/or impact of the entry of generic fenofibrate on: (a) direct or WAC price; (b) contract price to any customer or class of trade; and/or (c) discounts and/or rebates to any customer (whether direct or contract) or class of trade; and (d) drugs prescribed and taken for the same uses as Tricor and/or fenofibrates.
3. Manuals, matrices, policies, guidelines and/or formulas developed to calculate, figure, or otherwise determine price and/or adjustments to the price (or quantity) of Tricor for each customer, class of trade, market segment, and/or subgroup thereof.
4. Contracts for the sale of Tricor that, in whole or in part (a) generate chargebacks, (b) provide for an entity other than Abbott to ship and/or sell Tricor to a contracting party, and/or (c) provide for an entity to purchase directly from Abbott.
5. Process(es), method(s), strategies, and/or procedures that you proposed, considered or used for setting or establishing the prices (whether direct or contract, and including rebates, discounts, and/or chargebacks) for Tricor or any fenofibrate product.
6. Actual and or forecasted effects of the market entry and/or delayed market entry of generic fenofibrate on the unit and dollar sales and market share of (a) Tricor; (b) generic fenofibrate; and (c) drugs prescribed and taken for the same uses as Tricor and/or fenofibrates.

SCHEDULE B

DOCUMENTS REQUESTED

Plaintiffs hereby incorporate by reference the Definitions, Instructions, and Relevant Time Period set forth in Coordinated Direct Purchaser Plaintiffs' First Set of Document Requests to Defendants Abbott Laboratories, Fournier Industrie et Sante and Laboratories Fournier S.A.

1. Plaintiffs hereby request the production of all documents relating or referring to the topics set forth in Schedule "A" that have not already been produced in this litigation.

CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2006, I electronically filed the foregoing NOTICE OF DEPOSITION UNDER FED.R.CIV.P. 30(b)(6) OF, AND REQUEST FOR THE PRODUCTION OF DOCUMENTS TO, DEFENDANT ABBOTT LABORATORIES using CM/ECF, which will send notification of such filing to all registered participants, as follows:

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I hereby certify that on February 7, 2006 I sent by electronic mail the foregoing document to the following non-registered participants:

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